

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Setting Minimum Requirements for Review and Consideration of Appointees to the
Position of the Nation's Treasurer)

LEGISLATIVE ORDER NO. 06-843

- 1 **WHEREAS, Article VII, Section 2(e) of the Constitution of the Tohono O'odham Nation vests the**
2 **Nation's Chairperson with the power to "[w]ith the approval of the Tohono O'odham**
3 **Council, to appoint the treasurer, and other officers and heads of all governmental**
4 **departments"; and**
- 5 **WHEREAS, Article VI, Section 1(d)(2) of the Constitution further vests the Legislative Council with**
6 **the power and duty to "manage any funds within the exclusive control of the Tohono**
7 **O'odham Nation"; and**
- 8 **WHEREAS, the position of the Nation's Treasurer has not been filled by an appointee approved**
9 **by the Legislative Council for a number of years; and**
- 10 **WHEREAS, the Nation's Chairwoman recently employed Michael Johnson to serve as the Nation's**
11 **Treasurer without Council approval; and**
- 12 **WHEREAS, the Budget and Finance Committee is vested by its Plan of Operation with authority**
13 **to "review recommendations made by the Chairman of the Nation for appointment**
14 **to the office of Treasurer of the Nation" and to "review and recommend legislative**
15 **measures or actions affecting . . . the office of Treasurer of the Nation" (Plan of**
16 **Operation, Article 1(b)(7) and (b)(8)); and**
- 17 **WHEREAS, the Budget and Finance Committee accordingly made a written request that the**
18 **Chairwoman notify the Committee in writing "as soon as possible" when she intended**
19 **to bring the Treasurer's appointment to the Council for approval, but received no**
20 **official response; and**
- 21 **WHEREAS, on December 6, 2006, the Legislative Council passed Resolution No. 06-800, directing**
22 **that the Chairwoman's appointee be presented to the Council as required under the**
23 **Nation's Constitution; and**
- 24 **WHEREAS, Resolution No. 06-800 specifically provides that, "in order to preserve the fiscal**
25 **integrity of the Nation, it is essential that the Legislative Council be given the**
26 **opportunity to fully review Mr. Johnson's certifications and other qualifications;**
27 **work, credit, and other history; and consider his appointment during the December**
28 **general session"; and**
- 29 **WHEREAS, despite the terms of Resolution No. 06-800, the Chairwoman has not provided the**
30 **Legislative Council with Mr. Johnson's credit history; and**

LEGISLATIVE ORDER NO. 06-843

(Setting Minimum Requirements for Review and Consideration of Appointees to the Position of the Nation's Treasurer)

Page 2 of 3

1 **WHEREAS, as a result, the Legislative Council enacted Legislative Order No. 06-831, tabling**
2 **consideration of Mr. Johnson's appointment as Treasurer until all requested**
3 **documentation is reviewed and received, including financial background**
4 **information, and all provisions outlined in the resolved clauses of Resolution No. 06-**
5 **800 are satisfied; and**

6 **WHEREAS, on December 11, 2006, the Nation's Chairwoman notified the Nation's Districts that**
7 **she would personally perform the day-to-day functions of the Treasurer but that "no**
8 **transfers pertaining to gaming distribution and mining royalties etc. will be**
9 **conducted until such time that we have a Treasurer in place"; and**

10 **WHEREAS, the Chairwoman's decision to suspend transfers to the Districts is inconsistent with**
11 **the laws of the Nation; and**

12 **WHEREAS, the process for distributing gaming revenues is governed by Tohono O'odham Code**
13 **Title 26, Chapter 1, Article 3, which provides the formula for distributing gaming**
14 **revenues to the Nation and Districts, and the guidelines for expenditure of the district**
15 **allocation of gaming revenue; and**

16 **WHEREAS, the Chairwoman's suspension of gaming revenue distribution and other transfers to**
17 **Districts appears to be an effort to force action on her appointee, despite the absence**
18 **of information that is essential to assessing the appointee's qualifications and**
19 **suitability for a position with access to and control over millions of dollars in Nation's**
20 **funds.**

21 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that a**
22 **Chairperson's appointee to the position of Treasurer shall not be considered by the**
23 **Legislative Council or added to a Legislative Council session agenda for approval**
24 **unless a written background investigation report containing the follow information**
25 **is provided to the Council for review:**

- 26 **(a) consumer credit history;**
27 **(b) felony and misdemeanor criminal conviction history;**
28 **(c) civil litigation history;**
29 **(d) driving record;**
30 **(e) employment history verification;**
31 **(f) education history verification;**

LEGISLATIVE ORDER NO. 06-843

(Setting Minimum Requirements for Review and Consideration of Appointees to the Position of the Nation's Treasurer)

Page 3 of 3

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- (g) verification of professional licensing/certification;
- (h) verification of membership in professional associations; and
- (i) interview of character references.

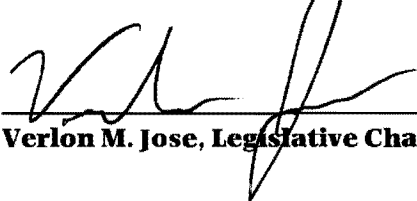
BE IT FURTHER ORDERED by the Tohono O'odham Legislative Council that, if the information required by this Legislative Order is not provided to the Legislative Council, the Chairperson's appointee to the position of Nation's Treasurer shall be deemed disqualified from consideration and shall not be appointed; provided that consumer credit records and any other confidential background information shall be considered in closed session, shall not be disclosed, recorded, or reported, and shall be returned to the Nation's Chairperson upon conclusion of the closed session.

BE IT FURTHER ORDERED by the Tohono O'odham Legislative Council that Michael Johnson is therefore disqualified and shall not be considered for appointment to the position of Nation's Treasurer.

BE IT FINALLY ORDERED by the Tohono O'odham Legislative Council that nothing in this Legislative Order shall be interpreted to prevent the Budget and Finance Committee from requesting, or the Legislative Council from requiring, additional information necessary to assess the qualifications and suitability of an appointee to the position of Nation's Treasurer.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 13TH Day of DECEMBER, 2006 at a meeting at which a quorum was present with a vote of 2,187.5 FOR; -0- AGAINST; 85.90 NOT VOTING; and 167.4 [05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(b), 1(d), & 1(l) and Article VII, Section 2(e) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

ATTEST:



Lucille Lopez, Acting Legislative Secretary

ACTION: SETTING MINIMUM REQUIREMENTS FOR REVIEW AND CONSIDERATION OF APPOINTEES TO THE POSITION OF THE NATION'S TREASURER

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: DECEMBER 13, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Lucilda J. Valenzuela (Norris)) (<i>Present</i>)	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			X
HICKIWAN 167.4	1. (Vacant) ()	83.70				
	2. SANDRA ORTEGA ()	83.70				X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90			X	
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. (Vacant) ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			X
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (<i>Absent</i>) (Kimberly Listo) (<i>Present</i>)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	2,187.5	-0-	85.90	167.4 [05]

****PASSED VOTES**